UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PAVEL MASHKOVTSEV,

Plaintiff,

-against-

IRIS PAN, HANG WU, and JP STREET INC.,

Defendants.

Civil Action No: 16-cv-161

DEFENDANTS' ANSWER

IRIS PAN, HANG WU, and JP STREET INC., ("Defendants"), by and through counsel, Michael J. Campise, Esq., hereby answer Plaintiff's complaint ("Complaint") as follows:

NATURE OF THE ACTION

1) As to Paragraph 1: Defendants are unable to admit or deny the statement in Paragraph 1 as this is a statement and not an allegation against Defendants. Insomuch as any response is required, Defendants deny the allegations.

PARTIES

2) As to Paragraph 2, Defendants lack knowledge of Plaintiff's residence, and accordingly deny the allegation.

3) As to Paragraph 3, Defendants admit the allegation.

4) As to Paragraph 4, Defendants admit the allegation.

5) As to Paragraph 5, Defendants cannot admit nor deny this allegation as the allegation is vague. Specifically, Defendants object to the language "is one of ten largest shareholders." Defendants deny all other allegations, except to admit that Plaintiff demanded a payment in connection with this claim.

6) As to Paragraph 6, Defendants deny the allegation.

7) As to Paragraph 7, Defendants deny the allegation.

8) As to Paragraph 8, Defendants admit the allegation.

JURISDICTION AND VENUE

9) As to Paragraph 9, Defendants deny that the Court has subject matter jurisdiction over any of the claims.

10) As to Paragraph 10, Defendants admit the allegation.

11) As to Paragraph 11, Defendants admit the allegation.

12) As to Paragraph 12, Defendants admit the allegation.

13) As to Paragraph 13, Defendants admit the allegation.

FACT ALLEGATIONS

14) As to Paragraph 14, Defendants admit the allegation.

15) As to Paragraph 15, Defendants deny the allegations.

16) As to Paragraph 16, Defendants admit the allegations.

17) As to Paragraph 17, Defendants admit the allegations.

18) As to Paragraph 18, Defendants deny the allegations.

19) As to Paragraph 19, Defendants admit the allegations.

20) As to Paragraph 20, Defendants deny the allegations.

21) As to Paragraph 21, Defendants admit the allegations.

22) As to Paragraph 22, Defendants admit the allegations.

23) As to Paragraph 23, Defendants admit the allegations.

24) As to Paragraph 24, Defendants admit the allegations.

25) As to Paragraph 25, Defendants deny the allegations.

26) As to Paragraph 26, Defendants deny the allegations.

27) As to Paragraph 27, Defendants deny the allegations.

28) As to Paragraph 28, Defendants deny the allegations.

29) As to Paragraph 29, Defendants deny the allegations.

30) As to Paragraph 30, Defendants deny the allegations.

31) As to Paragraph 31, Defendants deny the allegations.

32) As to Paragraph 32, Defendants deny the allegations.

33) As to Paragraph 33, Defendants deny the allegations.

34) As to Paragraph 34, Defendants deny the allegations.

35) As to Paragraph 35, Defendants deny the allegations.

36) As to Paragraph 36, Defendants deny the allegations.

37) As to Paragraph 37, Defendants deny the allegations.

38) As to Paragraph 38, Defendants deny the allegations.

39) As to Paragraph 39, Defendants deny the allegations.

40) As to Paragraph 40, Defendants deny the allegations.

41) As to Paragraph 41, Defendants deny the allegations.

42) As to Paragraph 42, Defendants deny the allegations.

43) As to Paragraph 43, Defendants deny the allegations.

COUNT I

44) Defendants incorporate the denials in all proceeding paragraphs.

45) As to Paragraph 45, Defendants deny the allegations.

46) As to Paragraph 46, Defendants deny the allegations.

COUNT II

47) Defendants incorporate the denials in all proceeding paragraphs.

48) As to Paragraph 48, Defendants deny the allegations.

49) As to Paragraph 49, Defendants deny the allegations.

COUNT III

50) As to Paragraph 50, Defendants deny the allegations.

51) As to Paragraph 51, Defendants deny the allegations.

52) As to Paragraph 52, Defendants deny the allegations.

COUNT IV

53) Defendants incorporate the denials in all proceeding paragraphs.

54) Paragraph 54 is a statement of law and does not require a response.

55) As to Paragraph 55, Defendants deny the allegations.

56) As to Paragraph 56, Defendants deny the allegations.

COUNT V

57) Defendants incorporate the denials in all proceeding paragraphs.

58) Paragraph 58 is a statement of law and does not require a response.

59) As to Paragraph 59, Defendants deny the allegations.

60) As to Paragraph 60, Defendants deny the allegations.

61) As to Paragraph 61, Defendants deny the allegations.

COUNT VI

62) Defendants incorporate the denials in all proceeding paragraphs.

63) Paragraph 63 is a statement of law and does not require a response.

64) As to Paragraph 64, Defendants deny the allegations.

65) As to Paragraph 65, Defendants deny the allegations.

66) As to Paragraph 66, Defendants deny the allegations.

67) As to Paragraph 67, Defendants deny the allegations.

68) As to Paragraph 68, Defendants deny the allegations.

PRAYER FOR RELIEF

Defendants deny that Plaintiff is entitled to any of the relief sought in his Complaint, and request the Court to specifically:

A) Deny Plaintiff is entitled to relief under the FLSA;

B) Deny Plaintiff is entitled underpayment and damages under the NYLL;

C) Deny Plaintiff is entitled to liquidated damages under the NYLL;

D) Deny Plaintiff is entitled to rehiring or front pay;

E) Deny Plaintiff is entitled to lost compensation;

F) Deny Plaintiff is entitled to reasonable attorney's fees, costs and expenses;

G) Deny Plaintiff is entitled to prejudgment interest; and

H) Deny Plaintiff is entitled to any other relief.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff lacks subject matter jurisdiction. Defendants specifically reserve their rights to contest jurisdiction.

THIRD AFFIRMATIVE DEFENSE

Plaintiff suffered no pecuniary loss due to Defendants' conduct.

FOURTH AFFIRMATIVE DEFENSE

Defendants are entitled to a set-off with respect to Plaintiff for compensation paid for any hours that Plaintiff was not working.

FIFTH AFFIRMATIVE DEFENSE

The Complaint, as it relates to the retaliation cause of action, is barred because Plaintiff quit, or was fired for cause, for legitimate business reasons, and not in a retaliatory manner.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claim is barred by the doctrine of unclean hands.

DEFENSES RESERVED

The foregoing affirmative defenses are raised by Defendants without waiver of any other defenses that may come to light during the discovery proceedings in this case or otherwise. Defendants reserve the right to amend or supplement their Answer to assert any other related defenses as they become available or are otherwise discovered.

WHEREFORE, Defendants demand judgment against Plaintiff as follows:

a) Dismissal of Plaintiff's Complaint herein in its entirety with prejudice;

b) Grant such other and further relief as the Court deems just, proper, and equitable.

Dated: February 18, 2016

CUCCIA & CAMPISE, PLLC
Attorneys for Defendants

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